

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-218624.2; B-218880.2 **DATE:** September 19, 1985

MATTER OF: Monterey City Disposal Service
Inc.--Reconsideration

DIGEST:

Where GAO decides protest in response to specific expression of interest from United States District Court, reconsideration request filed by contracting agency is dismissed--without consideration on the merits--because court has not expressed an interest in having GAO reconsider its decision.

The Department of the Navy (Navy) requests reconsideration of our decision in Monterey City Disposal Service, Inc., B-218624, et al., Sept. 3, 1985, 64 Comp. Gen. ___, 85-2 C.P.D. ¶ ___. The decision was rendered in response to a June 24, 1985, interim order from the United States District Court, Northern District of California, San Jose (district court) in connection with Gary Parola and Monterey City Disposal Service, Inc. v. Caspar Weinberger, et al., Civil Action No. C-85-20303 WAI.

Our Bid Protest Regulations, 4 C.F.R. part 21 (1985), require the dismissal of any protest where the matter involved is the subject of litigation before a court of competent jurisdiction, unless the court requests a decision by the General Accounting Office, or where the matter involved has been decided by the court. 4 C.F.R. § 21.9 (1985), Pitney Bowes, Inc., B-218241, June 18, 1985, 64 Comp. Gen. ___, 85-1 C.P.D. ¶ 696. Moreover, it has long been the policy of our Office not to decide such matters when they are presented in the context of a request for reconsideration and the court has not expressed an interest in having us reconsider our decision. See Sea-Land Service, B-192149, Oct. 16, 1978, 78-2 C.P.D. ¶ 278.

Here, we have complied with the district court's request to provide our views and there is no indication that the district court expects us to reconsider the earlier decision. Thus, in the absence of an expression

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B-218624.2; B-218880.2

2

from the district court that we reconsider the matter, the Navy's reconsideration request is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the printed name.

Robert M. Strong
Deputy Associate General Counsel